

Filed 2/21/19 by Clerk of Supreme Court

**IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2019 ND 36

State of North Dakota,

Plaintiff and Appellee

v.

Daniel Lynn Goldsack,

Defendant and Appellant

Nos. 20180265 and 20180266

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Sonna M. Anderson, Judge.

AFFIRMED.

Per Curiam.

Justin J. Schwarz, Assistant State's Attorney, Bismarck, ND, for plaintiff and appellee; submitted on brief.

Russell J. Myhre, Enderlin, ND, for defendant and appellant; submitted on brief.

State v. Goldsack
Nos. 20180265 and 20180266

Per Curiam.

[¶1] Daniel Goldsack appeals from a district court's second amended criminal judgments revoking his probation. Goldsack argues the district court clearly erred in finding a probation violation occurred and the State did not prove by a preponderance of the evidence Goldsack violated the conditions of his probation. We affirm under N.D.R.App.P. 35.1(a)(2), (4) and (7). *See, e.g., State v. McAvoy*, 2007 ND 178, ¶¶ 9, 18, 741 N.W.2d 198 (holding the trial court's factual findings of a probation violation were not clearly erroneous and concluding the court did not abuse its discretion in revoking the defendant's probation).

[¶2] Gerald W. VandeWalle, C.J.
Daniel J. Crothers
Lisa Fair McEvers
Jon J. Jensen
Jerod E. Tufte